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RICHARD W. WEEBING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

E-FILED

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN ALEXANDER and
CHARLES ALEXANDER,

Defendants.

No. 07-00043 RMW

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

SAN JOSE VENUE

On January 29, 2007, the defendants in the above-captioned matter appeared before Judge Richard Seeborg for an arraignment hearing. After the defendants entered a plea of not guilty to the indictment, Assistant United States Attorney Susan Knight and Joshua Bentley, who represents Ryan Alexander and made a special appearance on behalf of Charles Alexander, jointly requested that the case be placed on Judge Whyte's calendar on March 12, 2007 at 9:00 a.m. for a status hearing. AUSA Knight explained to the Court that the government needs to provide additional discovery to both defense counsel and asked for an exclusion of time under the Speedy Trial Act from January 29, 2007 until March 12, 2007. The defendants', through Mr.

Bentley, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is appropriate based on the defendants' need for effective preparation of counsel.

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

DATED: _____

/s/
JOSHUA M. BENTLEY
Counsel for Ryan Alexander

DATED: _____

/s/
JONATHAN D. MCDUGALL
Counsel for Charles Alexander

Accordingly, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from January 29, 2007 until March 12, 2007. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial. The failure to grant the requested continuance would deny both defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 2/2/07


RICHARD SEEBORG
United States Magistrate Judge